

EXHIBIT 2-L

EIGHT-STEP DECISION-MAKING PROCESS FLOODPLAINS AND/OR WETLANDS

Floodplain exhibits applicable only to “Construction” activity (of any kind) on floodplain property.

1. DETERMINE IF PROPOSED ACTION IS LOCATED IN OR AFFECTS A FLOODPLAIN.

For information on floodplains or insurance, contact:

Montana Department of Natural Resources and Conservation
Water Resources Division, Water Operations Bureau
Floodplain Management
48 North Last Chance Gulch
PO Box 201601
Helena, MT 59620-1601

Telephone: (406) 444-6654

2. INVOLVE PUBLIC IN DECISION-MAKING PROCESS.

Refer to **Exhibit 2-J** Early Public Notice for Floodplains and/or Wetlands, regarding the public hearing to discuss the proposed project.

3. DETERMINE IF THERE IS A PRACTICABLE ALTERNATIVE.
4. IDENTIFY IMPACTS.
5. MITIGATE ADVERSE IMPACTS.
6. RE-EVALUATE ALTERNATIVES.
7. ANNOUNCE AND EXPLAIN DECISION TO THE PUBLIC.
8. IMPLEMENT ACTION WITH APPROPRIATE MITIGATION.

DOCUMENTATION OF EIGHT-STEP DECISION MAKING PROCESS

The following form is for HOME grantees to document compliance with the eight-step decision-making process required for projects located in or affecting a floodplain. Grant recipients must provide narrative specific to the steps outlined below (attach and reference additional narrative, maps, or studies, as appropriate):

1. DETERMINE IF PROPOSED ACTION IS LOCATED IN OR AFFECTS A FLOODPLAIN.

Describe how determination was made that the proposed HOME project is located in or affects a floodplain.

2. INVOLVE PUBLIC IN DECISION-MAKING PROCESS.

Describe steps taken to involve the public and solicit responses. Attach proof of publication of Early Public Notice.

3. DETERMINE IF THERE IS A PRACTICABLE ALTERNATIVE.

For purposes of the eight-step process, "practicable" is defined as capable of being done within existing constraints. The test of what is practicable depends upon the situation and includes consideration of the pertinent factors, such as environment, cost, or technology. In some cases relocation of the proposed project away from a floodplain to another site may be a practicable alternative.

4. IDENTIFY IMPACTS.

Assess the direct and indirect impact of the proposed project in regards to the floodplain. For example, it might be found that locating a certain project within the floodplain might create a hazard to life or property, or as an alternative, locating some projects within the floodplain might increase the possibility of water pollution from wastes, such as may be the case with a sewage treatment plant located in the floodplain.

5. MITIGATE ADVERSE IMPACTS.

Determine how altering the project or using alternative construction methods to minimize impacts can adjust projected impacts. If applicable, determine how the public could be protected from hazards or potential hazards.

6. REEVALUATE ALTERNATIVES.

After completing an evaluation of the proposed action, including evaluation of practicable alternatives and possible adverse impacts, determine whether it is necessary in light of the review, to reevaluate the original alternatives considered. At this point a recommendation can be made to proceed with the proposed action, an alternate action, a limitation of the proposed project or alternate action, or take no action.

7. ANNOUNCE AND EXPLAIN DECISION TO THE PUBLIC.

Attach Notice of Explanation for Floodplains and/or Wetlands. Attach proof of publication, such as affidavit of publication or copy of newspaper notice containing date of publication and title of newspaper. At this stage, the public is formally informed of the determination of impact of the proposed project, any mitigation proposed, and whether there are any practicable alternatives to the proposed activity.

8. IMPLEMENT ACTION WITH APPROPRIATE MITIGATIONS.

Describe proposed steps to implement the project, including appropriate mitigation. Deviations from the proposed plan of action that would involve significant changes from the circumstances presented to the public as part of the Early Public Notice and Notice of Explanation should not be undertaken without repeating the eight-step process. Where appropriate, the HOME grantee should also provide assurance that some agency will be responsible for the proper operation, maintenance, and replacement of the proposed project features either located in or affecting the floodplain.